

## **REMARKS**

Reconsideration of the present application is respectfully requested.

### **Summary of Office Action**

Claims 1-27 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent Publication No. 2004/0093555 A1 of Therrien et al. ("Therrien").

### **Summary of Examiner Interview**

A telephonic interview was conducted between the Examiner and Applicants' representative (the undersigned) on December 20, 2007. Proposed amended claims 1 and 28 were discussed, which are substantially reflected above. During the discussion, Applicants' representative explained what limitations are thought to make the proposed claims patentable over the cited art. No particular agreement was reached, and the Examiner indicated that he would further consider Applicants' argument when a formal response is filed.

### **Summary of Amendments**

Claims 1, 3, 6, 8-9, 11, 15-17 and 19 have been amended. No new matter has been added. Claims 2, 5, 12-14, 18 and 20-27 have been canceled. Claims 28-33 have been newly added. No new matter has been added.

## Discussion of Rejections

As discussed below, the pending claims are patentable over the cited reference, Therrien.

### Claims 1 and 11

Claim 1 deals with “central management” of a plurality of “storage servers” performing storage services for clients. The manager server of claim 1 enables an administrator to centrally manage data replication for “a group of storage servers” using “a data structure, stored in a storage facility, representing a plurality of data replication relationships for the group of storage servers.” (emphasis added) Each data replication relationship includes “one or more relationship attributes.” To handle the data replication relationships, the manager server of claim 1 establishes “a replication policy” based on “the one or more relationship attributes” and “applies the replication policy to one or more storage servers implementing the corresponding data replication relationship.”

Therrien fails to disclose or suggest such a manager server. First, filesystems disclosed in Therrien do not manage data replication for other filesystems. Therrien is focusing on “maintaining integrity of backup data.” Accordingly, each filesystem, for integrity of backup data, manages only its own shares, which may be stored in itself, a local repository and one or more remote repositories, using checksums or various protection policies. (See, for example, paragraphs [0027]-[0029] of Therrien)

In addition, Therrien does not disclose or suggest, per claim 1, a storage facility storing a plurality of data replication relationships for a plurality of storage servers.

Furthermore, Therrien does not disclose or suggest a processor with the functionality recited in claim 1. The processor of claim 1 establishes a “replication policy” based on “the one or more *relationship attributes* in each data replication relationship stored in a storage facility.” On the other hand, the protection policies of Therrien are set up by administrators’ consideration and choices for shares. (See, for example, paragraph [0033] of Therrien)

Because Therrien does not disclose or suggest the manager server of claim 1, Applicants respectfully request that the Examiner remove the 102 rejection based on Therrien against claim 1 for at least these reasons. The 102 rejections against all claims dependent upon claim 1 should also be removed for at least these reasons.

Independent claim 11, as amended, contains substantially the same limitations as discussed above regarding claim 1. Therefore, independent claim 11 and all claims dependent upon independent claim 11 will be allowable for at least these reasons.

#### Claims 28 and 31

Like claim 1, claim 28 deals with “central management of a plurality of storage servers.” In particular, the method of claim 28 articulates, among other things, two operations: the data obtaining operation, *i.e.*, “obtaining information from the plurality of storage servers about data replication relationships for the plurality of storage servers, each data replication relationship including one or more relationship attributes;” and the policy establishing operation, *i.e.*, “establishing a replication policy for each data

replication relationship based on the obtained information including the one or more relationship attributes.”

Therrien fails to disclose or suggest either of these two operations, much less the method of claim 28 as a whole. The protection policies of Therrien, as discussed above relating to claim 1, are set up by administrator's choices for each share.

Moreover, an advantage of the method of claim 28 is that it can be applied to *existing* storage servers, which currently provide storage services to clients, by “obtaining information from the storage servers about data replication relationships for the storage servers,” and “establishing replication policies based on the obtained information.” On the other hand, Therrien presumes a new deployment or at least initialization of the whole system. According to Therrien, after a share is created in a fileserver, a local and one or more remote repositories for the share are determined as part of a protection policy for the share. Then, according to the protection policy, the share starts to be replicated in those repositories. (See, for example, paragraph [0029] of Therrien) While Therrien requires this sequence, the method of claim 28 does not require the same sequence as Therrien, *i.e.*, the method of claim 28 does not presume a new system deployment or initialization.

Due to at least these differences, Therrien cannot disclose or suggest the method of claim 28. Thus, Applicants respectfully submit that the 102 rejection against claim 28 based on Therrien should be withdrawn for at least these reasons. The 102 rejections against all claims dependent upon claim 28 should also be withdrawn for at least these reasons.

Newly added independent claim 31 contains substantially the same limitations as discussed above regarding claim 28. Therefore, independent claim 31 and all claims dependent upon independent claim 31 will be allowable for at least this reason.

Applicants have not necessarily discussed here every reason why every pending claim is patentable over the cited art; nonetheless, Applicants are not waiving any argument regarding any such reason or reasons. Applicants reserve the right to raise any such additional argument(s) during the future prosecution of this application, if Applicants deem it necessary or appropriate to do so.

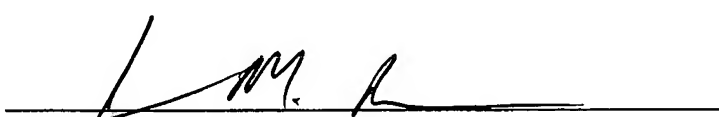
## **Conclusion**

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,  
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